

REMARKS

Reconsideration of the above-referenced application is respectively requested in view of the above amendments and these remarks. Claims 1-18 are currently pending.

The Abstract is objected to because it is not in narrative form. Applicant has amended the Abstract to put it in the required narrative form. Applicant notes that the Abstract as previously presented included complete sentences and stated what the claims are directed to. Applicant requests that this objection be withdrawn.

Claims 1, 5, 11, 14 and 15 are objected to as including the informality of reference characters DLID without properly defining the characters. Applicant has amended independent claims 1, 5 and 11 such that the first use of the reference characters DLID is defined as a Destination Location Identifier. Applicant therefore requests that this objection be withdrawn.

Claims 1-15 are rejected under 35 U.S.C. § 112, second paragraph for containing a trademark, i.e. InfiniBand. Applicant has amended claims 1-15 to delete the trademark InfiniBand. In addition, Applicant has added claims 16-18 to state that the claimed switch is an InfiniBand switch in compliance with an InfiniBand Architecture Specification. In view of the amendment to claims 1-15 and the format of new claims 16-18, Applicant respectfully submits that the claims comply with the requirements of Section 112, second paragraph and are suitably definite. Applicant therefore requests that the rejection under Section 112, second paragraph, be withdrawn.

Claims 5-9 are provisionally rejected on the ground of non-statutory obviousness-type double patenting over claims 8-12 in co-pending Application No. 10/722,021 and over claims 9-13 in co-pending Application No. 10/722,022. Applicant notes these provisional rejections are just that, provisional, and will respond when and if the rejections are finalized.

Claims 1, 3-5, 7-11 and 13-15 are rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent Application No. 2003/0033427 A1 to Brahmaroutu. Applicant has reviewed the rejection and the cited reference and has amended independent claims 1, 5 and 11 to clarify the claims and obviate the rejection. In particular, Applicant has amended claims 1, 5 and 11 to indicate the forwarding

instructions create paths appropriate to make the network operate as a strictly non-interfering network. No new matter is added by this amendment, and adequate disclosure can be found in FIG. 4 and on at least page 11, lines 9-17 of the Specification.

Applicant respectfully submits that Brahmaroutu does not disclose that the forwarding instructions create paths appropriate to make the network operate as a strictly non-interfering network. Brahmaroutu is directed to a mechanism to program forwarding tables for switches in a subnet of a switched fabric including at least a lost system, a target system and switches each having one or more ports interconnected via links for multipathing. Such a mechanism may be installed in a host system to determine all possible links between all ports on the subnet during topology discovery; create an all port connectivity table which records all port-to-port connectivity information and create an all switch shortest paths table which records all the shortest paths between every switch pair on the subnet. Applicants review Brahmaroutu reveals that there is not description of a strictly non-interfering network. Brahmaroutu is focused on creating shortest paths through the network. In fact, Brahmaroutu acknowledges that the networks may be interfering. See Paragraphs 60-63.

In view of the foregoing, Applicant respectfully submits that Brahmaroutu does not disclose that the forwarding table includes paths for a strictly non-interfering network as required by independent claims 1, 5 and 11. Applicant therefore submits that claims 1, 5, and 11 are not anticipated by the cited reference. As claims 3-4 depend on claim 1, claims 7-10 depend on claim 5 and claim 13-15 depend upon claim 11, Applicants respectfully submit that these dependent claims are not anticipated by Brahmaroutu for the same reasons. Applicant requests that the rejection under Section 102(e) be withdrawn.

Claims 2, 6 and 12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Brahmaroutu in view of United States Patent No. 5,940,389 to Yang et al. Applicants have amended claims 1, 5 and 11, upon which these rejected claims depend, to overcome the rejection based on Brahmaroutu. As claims 1, 5 and 11 are patentable over the Brahmaroutu, Applicant respectfully submits that dependent claims 2, 6 and 12 are patentable over the cited combination of Brahmaroutu and Yang for the same reason. Applicant therefore requests that the rejection under Section 103(a) be withdrawn.

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As the Applicant has overcome all substantive rejections and objections given by the Examiner and have complied with all requests properly presented by the Examiner, the Applicant contends that this Amendment, with the above discussion, overcomes the Examiner's objections to and rejections of the pending claims. Therefore, the Applicant respectfully solicits allowance of the application. If the Examiner is of the opinion that any issues regarding the status of the claims remain after this response, the Examiner is invited to contact the undersigned representative to expedite resolution of the matter.

Please charge any fees associated herewith, including extension of time fees, to **50-2117**.

Respectfully submitted,
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